

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MELISSA McFADDEN,

Plaintiff,

v.

CITY OF COLUMBUS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 2:18-cv-544

JUDGE SARGUS

MAGISTRATE JUDGE JOLSON

SECOND AMENDED STIPULATION OF FACTS

1. On November 3, 2017, Columbus Division of Police Sergeant Christopher Odom, African-American, made a complaint to the Internal Affairs Bureau ('IAB') that bears case number 201711-1015 alleging that Commander Rhonda Grizzell, Caucasian, and Lieutenant Lowell Rector, Caucasian, engaged in EEO misconduct by creating a hostile work environment, engaging in racial discrimination, and directing retaliatory actions against him. At the time this complaint was made, Lieutenant Rector was assigned to L2B, Sgt. Odom's direct supervisor, and Commander Grizzell at the time of the complaint was serving as the Zone 2 Commander, two levels above Sgt. Odom in the chain of command. Neither Commander Grizzell nor Lieutenant Rector were reassigned as a result of Sergeant Odom's complaint against them and both retained their supervisory authority.
2. Upon becoming aware of Sergeant Odom's allegations, the Columbus Division of Police initiated an investigation into the matter. During the investigation, Sergeant Odom was permitted to report to a different chain of command. He was given a different lieutenant to supervise him, as well to whom to report. Though Commander Grizzell was two ranks

above him, Sergeant Odom was also afforded a different commander in his chain of command. At the time of the incident, Lieutenant Rector's supervisor was Commander Grizzell. Commander Grizzell's supervisor was Deputy Chief Richard Bash.

3. On August 23, 2017, Columbus Division of Police Sergeant Kim Edley, African-American, made a complaint to the Internal Affairs Bureau ('IAB') that bears case number 201709-1013 alleging that her direct supervisor, Lieutenant Christine Nemchev, Caucasian, created a hostile work environment and discriminated against her because of her race. Lieutenant Nemchev was not reassigned as a result of Sergeant Edley's complaint against her and she retained her supervisory authority.
4. Upon becoming aware of the allegations, the Columbus Division of Police initiated an investigation. During the investigation, Lieutenant Nemchev was ordered to work a different shift, and change her work hours to avoid contact with Sergeant Edley. The Lieutenant was also not permitted to enter police headquarters during Sergeant Edley's work hours. Sergeant Edley was reassigned to a different lieutenant. At the time of the incident, Lieutenant Nemchev's direct supervisor was Commander Suzanne Curmode.
5. On November 19, 2018, Columbus Division of Police Officer Nicholas Reaper, Caucasian, made a complaint to the Internal Affairs Bureau ('IAB') that bears case number 201811-1021 alleging that Lieutenant Duane Mabry, Caucasian, two levels above Officer Reaper in his chain of command, created a hostile work environment. At the time this complaint was made, Lieutenant Mabry was assigned to L2B. Lieutenant Mabry was not reassigned as a result of Officer Reaper's complaint against him and he retained his supervisory authority.

6. Upon becoming aware of the allegations, the Columbus Division of Police initiated an investigation. During the investigation, Lieutenant Mabry did not supervise Officer Reaper. Additionally, weeks into the investigation, Officer Reaper went out on personal leave followed by military leave for months. At the time of the incident, Lieutenant Mabry's direct supervisor was Commander Rhonda Grizzell.
7. On August 26, 2016, Columbus Division of Police civilian support clerk, Christine Hutton, Caucasian, made a complaint to the Internal Affairs Bureau ('IAB') that bears case number 201608-1041 alleging that her supervisor Sergeant Jason Grunkemeyer, Caucasian, created a hostile work environment. Sergeant Grunkemeyer was not reassigned as a result of Ms. Hutton's complaint against him and he retained his supervisory authority.
8. Upon becoming aware of the allegations, the Columbus Division of Police initiated an investigation. During the investigation, Ms. Hutton reported to a different sergeant until she eventually took a position in another City department. At the time of the incident, Sergeant Grunkemeyer's supervisor was Lieutenant William Morrison.
9. In September 2014, Columbus Division of Police Officer Eric Cornett, African-American, and Sergeant Doug Williams, African-American, made a complaint to the Internal Affairs Bureau ('IAB') that bears case number 201409-0036 alleging an Equal Employment Opportunity violation against Sergeant Eric Moore, Caucasian. At first, Sergeant Moore was not reassigned as a result of Officer Cornett and Sergeant Williams' complaint against him and he retained his supervisory authority. Sergeant Moore ultimately took a new assignment and was later reassigned.

10. Upon becoming aware of the allegations, the Columbus Division of Police initiated an investigation. Neither Officer Cornett nor Sergeant Williams were supervised or reported to Sergeant Moore. At the time of the incident, Sergeant Moore's direct supervisor was Lieutenant Ty Brust.
11. On November 11, 2016, Officer Falacia Dragin, African-American, made a complaint to the Internal Affairs Bureau ('IAB') that bears case number 201611-1030 alleging her direct supervisor Sergeant Kyle Fishburn, Caucasian, created a hostile work environment. Sergeant Fishburn was not reassigned as a result of Officer Dragin's complaint against him and he retained his supervisory authority.
12. Upon learning of the allegation, the Columbus Division of Police initiated an investigation. No additional measures were necessary in this instance to separate Officer Dragin from Sergeant Fishburn during the course of the administrative investigation.
13. On October 10, 2012, Columbus Division of Police Sergeant, then Officer, Christopher Smith Hughes, African-American, made a complaint to the Internal Affairs Bureau ('IAB') that bears case number 201211-0138 alleging Officer Charles Meinhart, Caucasian, made a racist remark to him. Officer Meinhart was not reassigned as a result of then Officer Smith- Hughes' complaint against him.
14. Upon learning of the allegation, the Columbus Division of Police initiated an investigation. At the time of the incident, Officer Meinhart was equal rank to then Officer Smith-Hughes. He also did not have the same supervisor as then Officer Smith-Hughes.

Respectfully Submitted,

/s/ Samuel M. Schlein

John S. Marshall (0015160)

Samuel M. Schlein (0092194)

Marshall Forman and Schlein LLC

/s/ Paul M. Bernhart (per consent)

Westley M. Phillips (0077728)

Susan E. Williams (0073375)

Paul M. Bernhart (0079543)

250 Civic Center Drive, Suite 480
Columbus, Ohio 43215
(614) 463-9790
(614) 463-9780 (fax)
jmarshall@marshallforman.com
sschlein@marshallforman.com

Attorneys for Plaintiff

Assistant City Attorneys
City of Columbus, Department of Law
Zach Klein, City Attorney
77 North Front Street
Columbus, Ohio 43215
(614) 645-7385
(614) 645-6949 (fax)
wmphillips@columbus.gov
sewilliams@columbus.gov
pmbernhart@columbus.gov

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2022, I electronically filed the foregoing with the Clerk of the Court by using this Court's CM/ECF system, which will send a notice of this electronic filing to all counsel of record in this matter.

/s/ Samuel M. Schlein
Samuel M. Schlein (0092194)